

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its fire- and water-damage which had caused it to become caked.

DISPOSITION: December 14, 1951. The American Flour Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be denatured and disposed of for tannery purposes or animal feed.

18407. Adulteration of corn flour and hominy grits. U. S. v. 17 Bags, etc.
(F. D. C. No. 32003. Sample Nos. 9764-L, 9765-L.)

LIBEL FILED: November 13, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 6, July 12, and August 3, 1951, from Milwaukee, Wis.

PRODUCT: 17 100-pound bags of corn flour and 35 100-pound bags of hominy grits at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 20, 1951. The Chas. A. Krause Milling Co., Milwaukee, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond, conditioned that they be converted into stock feed, under the supervision of the Food and Drug Administration.

MACARONI AND NOODLE PRODUCTS

18408. Misbranding of macaroni and spaghetti. U. S. v. 24 Cases * * *.
(F. D. C. No. 24882. Sample Nos. 12732-K, 12733-K, 12957-K, 12959-K.)

LIBEL FILED: June 22, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 23 and May 10, 1948, by Buitoni Products, Inc., from New York, N. Y.

PRODUCT: 24 cases, each containing 48 8-ounce packages, of macaroni and spaghetti at Philadelphia, Pa.

LABEL, IN PART: "Buitoni 20% Protein Spaghetti" and "Buitoni 20% Gluten Macaroni * * * Small Macaroni Ribbons [or "Buitoni 20% Gluten Spaghetti"] with added Wheat Germ, Vitamin B₁ and Iron."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the macaroni and spaghetti which were labeled in part "with added Wheat Germ, Vitamin B₁ and Iron" purported to be and were represented as enriched macaroni products, foods for which definitions and standards of identity have been prescribed, and the articles failed to conform to the definitions and standards. The definitions and standards provide that when the optional ingredient, gum gluten, is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour, or any combination of those used, does not exceed 13 percent of the weight of the finished food. The articles contained as one of their optional ingredi-

ents, gum gluten, and the protein derived therefrom, together with the protein derived from durum flour and semolina, exceeded 13 percent of the weight of the finished food.

Further misbranding, Section 403 (g) (1), the article labeled in part "Buitoni 20% Protein Spaghetti" purported to be and was represented as a macaroni product, spaghetti, a food for which a definition and standard of identity has been prescribed, and the article failed to conform to such definition and standard. The definition and standard provides that when the macaroni product, spaghetti, contains as one of its optional ingredients, added gum gluten, the protein content of the finished food is not more than 13 percent by weight. The article contained as one of its optional ingredients, added gum gluten, and its protein content was more than 13 percent by weight.

DISPOSITION: Buitoni Products, Inc., appeared as claimant and filed an answer to the libel. On October 11, 1951, a stipulation between the parties was approved by the court, pursuant to which it was agreed that since the products had deteriorated, resulting in the questions of law raised by the libel having become moot, the product under seizure should be destroyed and the case dismissed with prejudice.

18409. Adulteration of spaghetti dinner. U. S. v. 23 Cases * * *. (F. D. C. No. 32055. Sample No. 29526-L.)

LIBEL FILED: November 2, 1951, Western District of Washington.

ALLEGED SHIPMET: On or about August 12, 1946, from Milwaukie, Oreg.

PRODUCT: 23 cases, each containing 24 cartons, of spaghetti dinner at Tacoma, Wash. Each carton contained 8 ounces of spaghetti, 7½ ounces of sauce, and ½ ounce of cheese.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested spaghetti and cheese, and of a decomposed substance by reason of the presence of decomposed sauce. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 18, 1952. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

18410. Adulteration of corn grits. U. S. v. Pabst Brewing Co. Plea of nolo contendere. Fine of \$600, plus costs. (F. D. C. No. 31566. Sample Nos. 9984-L to 9987-L, incl., 23851-L, 31695-L.)

INFORMATION FILED: December 27, 1951, Southern District of Illinois, against the Pabst Brewing Co., a corporation, Peoria, Ill.

ALLEGED SHIPMENT: On or about June 20, 21, and 22, 1951, from the State of Illinois into the States of Wisconsin and New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, rodent excreta fragments, rodent hairs, and larvae; and, Section 402 (a) (4), the

*See also Nos. 18407, 18438.